

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NANCY ALLISON McCALL,

Defendant.

Cause No. CR 10-91-GF-BMM

ORDER DENYING MOTION TO  
REDUCE SENTENCE

On September 8, 2014, the Court received from Defendant McCall a motion to reduce her sentence based on post-sentencing rehabilitation.

McCall contends that *Pepper v. United States*, \_\_ U.S. \_\_, 131 S. Ct. 1229 (2011), supports a reduction of her sentence based on post-sentencing rehabilitation. It does not. The *Pepper* Court held that “*when a defendant’s sentence has been set aside on appeal, a district court at resentencing may consider evidence of the defendant’s postsentencing rehabilitation.*” 131 S. Ct. at 1236 (emphasis added). McCall’s sentence has not been set aside. There is no authority for reopening the final judgment. 18 U.S.C. § 3582(b), (c)(1)(B). *Pepper* provides none.

The Court appreciates McCall’s efforts, but sentencing is not an ongoing process. McCall’s sentence can be altered only under specific conditions, *see* 18 U.S.C. § 3582(c), and none are met here.

Accordingly, IT IS HEREBY ORDERED that McCall's motion to reduce her sentence (Doc. 46) is DENIED.

DATED this 10th day of September, 2014.

/s/ Brian M. Morris  
Brian M. Morris  
United States District Court